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November 15, 2005

Kim Heroy-Rogalski
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95812-2815

SUBJECT: Comments on Diesel Off-road Equipment Regulation Concepts

Dear Ms. Heroy-Rogalski:

The Regional Council of Rural Counties (RCRC), representing thirty of the state's rural counties, appreciates this opportunity to comment on the Diesel Off-road Equipment Regulation Concepts. The off road equipment rule will apply to County-owned equipment, such as dozers, scrapers, loaders, rollers, and other construction equipment typically used by County road and solid waste departments. This rule will also apply to the private sector construction, mining, airport ground support, and industrial equipment.

As you are aware, RCRC has been actively participating in the Air Resources Board's (ARB) informal process for the Proposed Control Measure for On-Road Heavy-Duty Diesel Vehicles Owned or Operated by Public Agencies and Utilities. As with the on-road diesels, we are concerned about the financial impact of requiring our counties to retrofit/replace diesel off-road equipment; and again, it primarily impacts our county road departments. Unlike the private sector, our counties' equipment is not there to make money for the county, but is there to provide a service, to maintain public roads for the safety of the traveling public. And, unlike the private sector, there is no mechanism for the counties to recover the cost of compliance through service fee increases.

Compliance with these concepts will create a financial crisis with road maintenance programs. Recent federal and state budget actions have already diminished discretionary transportation funding used for local road maintenance programs. Rural counties are already struggling with being able to financially comply with the proposed on-road regulation and adopting off-road equipment regulations will only exacerbate the problem. Without subvention funding or other financial assistance from the state, some rural counties will not be able to comply with the draft concepts without jeopardizing their road maintenance programs and compromising safety to the traveling public. Funds for compliance would be diverted from other local discretionary road funds, such as road maintenance or personnel layoffs. The public would receive a greater benefit from not having such considerable amounts of money diverted from road maintenance programs.

In the absence of exempting rural counties from the off-road equipment rule or funding to accompany the implementation of the regulation, RCRC requests the ARB consider incorporating mechanisms to minimize the financial impacts to the state's rural areas, in the way of exemptions, extensions, and recognizing financial hardship.

- Distinguish between the non-revenue-generating equipment users (local government) and revenue-generating equipment users (private sector).
- Consider a “low use” threshold that would exempt equipment used on a limited basis and/or seasonally. Much of the equipment in rural counties is used only on a limited basis and/or seasonally. The exemption would limit the applicability of the regulation to that equipment used on a regular, full time basis, thereby providing a better cost to benefit relationship.
- Provide a snow removal equipment exemption, as is proposed in the diesel on-road regulation.
- Provide a “storm related operations” exemption, to exempt usage of equipment for road maintenance activities due to ice, flooding, and high winds (such as sanding, clearing mud and rocks off the road from flash floods). These are also emergency, safety-related activities.
- Create an extended alternative path for a “low population county” (with a threshold of 325,000). The less populated areas of the state have proportionately less available funding for road maintenance programs. Unfortunately, many of our counties have predominantly pre1988 off-road equipment, which, according to the concept proposal, would mean having to retrofit most of their equipment in a four year period.
- Provide language that, on a case-by-case basis, a jurisdiction could apply to ARB for an extension based upon limited financial resources and other local circumstances. Jurisdictions must balance the benefits of other competing needs of the public with the limited financial resources.

Our member counties are committed to the public's health, safety, and welfare and support efforts to improve air quality. With scarce resources and competing interests, the counties are in a better position to be able to prioritize where money should be spent in the public's best interest. RCRC asks ARB to carefully consider the cost effectiveness of the proposed emission control requirements in rural counties independently from the state wide average, compared to the benefits received. Our counties are very receptive to a reasonable approach to improving air quality.

We are happy to work with you and your staff in the coming weeks to discuss alternatives. You may call me at (916) 447-4806 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Mary Pitto". The signature is fluid and cursive, with the first name "Mary" and the last name "Pitto" clearly distinguishable.

Mary Pitto
Regulatory Program Director
Regional Council of Rural Counties

cc: Catherine Witherspoon, Executive Officer, ARB
Tom Cackette, Chief Deputy Executive Officer, ARB
Robert Cross, Division Chief, Mobile Source Division, ARB
Annette Hebert, Chief, Heavy-Duty Diesel In-Use Strategies Branch, ARB
Board of Directors, Regional Council of Rural Counties
Public Works Directors, RCRC Member Counties
Fleet Managers, RCRC Member Counties
Air Pollution Control Officers, RCRC Member Counties
Karen Keene, California State Association of Counties
Yvonne Hunter, League of California Cities